

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

|                              |   |                          |
|------------------------------|---|--------------------------|
| TONY L. WARE, CEO and        | ) |                          |
| T. L. WARE BOTTLING COMPANY, | ) |                          |
| INC.                         | ) |                          |
|                              | ) |                          |
| Plaintiffs,                  | ) |                          |
|                              | ) |                          |
| v.                           | ) | Civil Action             |
|                              | ) | File No. 1:05-CV-0426MHS |
|                              | ) |                          |
| FLEETBOSTON FINANCIAL CORP., | ) |                          |
| f/k/a BANKBOSTON CORP.,      | ) |                          |
|                              | ) |                          |
| Defendant.                   | ) |                          |
|                              | ) |                          |

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AFFIDAVIT OF COUNSEL FOR FLEETBOSTON FINANCIAL CORP.  
REGARDING LITIGATION EXPENSES

Before me, the undersigned authority, personally appeared William J. Holley, II, who after being duly sworn, states and deposes as follows:

1.

I am over twenty-one years of age, under no disabilities and fully competent to give this Affidavit.

2.

This Affidavit is based on my personal knowledge and my review of the records kept in the normal course of business by Parker, Hudson, Rainer & Dobbs LLP, where I am employed. I submit this Affidavit in support of the request by FleetBoston Financial

Corporation ("FleetBoston") for the recovery of its litigation expenses.

3.

I am a partner with the law firm of Parker, Hudson, Rainer & Dobbs LLP ("Parker Hudson") Atlanta, Georgia. I am admitted to practice before this Court, before the Supreme Court of Georgia, before the Supreme Court of the United States and before numerous other courts in the United States. I received my undergraduate degree with honors from Duke University in 1982 and received my law degree from Vanderbilt University School of Law in 1985, where I served as Editor-In-Chief of the Vanderbilt Law Review. After graduating from law school, I spent four years as a trial attorney in the United States Air Force Judge Advocate General Department where I attained the rank of Captain. Since beginning the private practice of law in 1989, my practice has been devoted to civil litigation.

4.

Since February 8, 2005 Parker Hudson has represented FleetBoston in connection with this litigation. I, together with my partner Nancy Baughan and associates Cinnamon Davis and Michael Grider have performed most of the legal tasks necessary for this representation. Nancy Baughan received her undergraduate degree with honors from Washington & Lee University in 1990 and received

her law degree from Vanderbilt University in 1993, where she served as Articles Editor for the Vanderbilt Law Review. Cinnamon Davis received her undergraduate degree from Stanford University in 1997 and her law degree from Vanderbilt University in 2000. Michael Grider received his undergraduate degree from the University of Arkansas in 1996 and his law degree from University of Florida in 2001.

5.

The time I have spent working on this case has been billed at the hourly rate of \$319 per hour. Ms. Baughan's time has been billed at the hourly rate of \$268 per hour. Ms. Davis' time has been billed at the hourly rate of \$200 per hour. Mr. Grider's time has been billed at the hourly rate of \$191 per hour. These hourly rates reflect a 15% discount from Parker Hudson's standard hourly rates.

6.

I am familiar with the general range of hourly rates charged by attorneys practicing general commercial and civil litigation in the Atlanta metropolitan area.

7.

Based upon my professional experience, my practice as an attorney since 1985 and my familiarity with legal fees charged in the Atlanta metropolitan area, I believe that the hourly rates for

the time spent since February 8, 2005 are reasonable rates for the type of work performed in this matter.

8.

Attached hereto are statements detailing the hourly work performed and the costs incurred in representing FleetBoston through May 27, 2005. Since Parker Hudson began representing FleetBoston in this matter, my firm has billed attorneys' fees in the amount of \$97,322.30. In addition, FleetBoston has incurred costs in the amount of \$1,710.25 through May 27, 2005.

9.

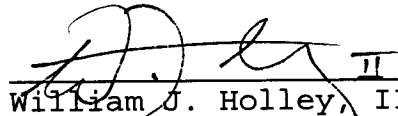
Of the fees and expenses identified above, \$5,209.90 in fees and \$11.50 in expenses were related directly to FleetBoston's Emergency Motion for Injunctive Relief filed as a result of Plaintiffs' initiation of the Dekalb County action styled: *Tony L. Ware v. T.L. Ware Bottling Co., Inc.*; Civil Action File No. 05CV5798-9-9.

10.

Based upon my professional experience, my practice as an attorney since 1985, my familiarity with legal fees charged in the Atlanta metropolitan area, and my knowledge of the tasks performed in this litigation, I believe that fees and expenses in the total amount of \$111,661.50 are reasonable for the services rendered, the

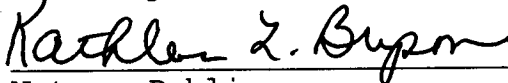
amount in controversy, the bad faith and the stubborn litigiousness of the Plaintiffs and the actions taken.

Executed this 22<sup>nd</sup> day of June, 2005.

  
\_\_\_\_\_  
William J. Holley, II  
Georgia Bar No. 362310

Signed, sealed and delivered

this 22<sup>nd</sup> day of June, 2005  
in the presence of:

  
\_\_\_\_\_  
Notary Public

**Notary Public, Cobb County, Georgia**  
My Commission Expires Nov. 17 2008

My Commission Expires:

\_\_\_\_\_  
(AFFIX NOTARIAL SEAL)

410085\_1.DOC

**PARKER, HUDSON, RAINER & DOBBS LLP**

A LIMITED LIABILITY PARTNERSHIP  
**ATTORNEYS AT LAW**  
**1500 MARQUIS TWO TOWER**  
**285 PEACHTREE CENTER AVENUE, N.E.**  
**ATLANTA, GEORGIA 30303**  
**(404) 523-5300**  
**EIN: 58-1423485**

Invoice Date: 02/28/05  
 Invoice Number: 128479 WJH

Bank of America, N.A.  
 Bank of America Plaza  
 NC1-002-29-01  
 101 South Tryon Street  
 Charlotte, NC 28255-0001  
 ATTN: David J. Lamothe, Esq.

**Re: Ware v. Fleetboston Financial Corp.**  
**(001204/00415)**

**Legal Matter No.: L45028-20050225**

**FOR PROFESSIONAL SERVICES RENDERED THROUGH: February 28, 2005**

|          |     |   |           |       |            |
|----------|-----|---|-----------|-------|------------|
| 02/08/05 | MAB | Travel to Fulton courthouse to review and copy file (T.L. Ware Bottling v. FleetBoston Financial)   | 2.10 hrs. | \$106 | \$222.60   |
| 02/08/05 | TYC | Meeting with WJH re: case and documents needed from the Secretary of State's office   | 0.40 hrs. | \$111 | \$44.40    |
| 02/08/05 | WJH | Review default judgment for \$922 million and analyze defenses; draft e-mails to Ms. Huskey; telephone conference with Mr. Lamothe; research jurisdiction issues; research default motion issues; research FleetBoston corporate officers and 1999 Secretary of State filings | 6.60 hrs. | \$319 | \$2,105.40 |
| 02/08/05 | NHB | Analyze superior court pleadings and possible defenses to service   | 0.30 hrs. | \$268 | \$80.40    |
| 02/08/05 | NHB | Telephone conference with Mr. Lamothe re: Superior Court pleadings and possible defenses to service   | 0.20 hrs. | \$268 | \$53.60    |
| 02/09/05 | TYC | Litigation search via internet to determine if plaintiff was involved in any cases in Cobb County and e-mail WJH and NHB re: results of Cobb County litigation search   | 0.30 hrs. | \$111 | \$33.30    |
| 02/09/05 | TYC | Litigation search via internet to determine if plaintiff was involved in any cases in Dekalb County and e-mail WJH and NHB re: results of Dekalb County litigation search   | 0.30 hrs. | \$111 | \$33.30    |
| 02/09/05 | TYC | Telephone call with rep. of the State Bar of Georgia re: whether Ware is a member in good standing with the Georgia Bar and whether he was ever a member and e-mail WJH and NHB re: conversation with rep.  | 0.10 hrs. | \$111 | \$11.10    |
| 02/09/05 | MDG | Conduct legal research and analysis re:   | 5.00 hrs. | \$191 | \$955.00   |

|          |     |  |       |      |       |            |
|----------|-----|--|-------|------|-------|------------|
|          |     | timeliness of removal to federal court and effect of removal to federal court upon default entered in state court and work with WJH re: same   |       |      |       |            |
| 02/09/05 | WJH | Review Ware v. Fidelity pleadings file; research M. Johnson; telephone conference with Mr. Lamothe and Mr. Lackner; research Georgia procedure issues; review USPS receipt and tracking report; interview with Mr. Francis; draft affidavit for Ms. Francis; research FleetBoston Financial Corp. history; telephone conference with Georgia Secretary of State; review Ware prior litigation with Handy Storage                             | 9.80  | hrs. | \$319 | \$3,126.20 |
| 02/09/05 | NHB | Telephone conference with Mr. Lamothe re: status, strategy and follow-up conference call   | 0.20  | hrs. | \$268 | \$53.60    |
| 02/09/05 | NHB | Legal research re: authentication of documents obtained from U.S. Post Office and re: dismissal as possible sanction   | 0.70  | hrs. | \$268 | \$187.60   |
| 02/09/05 | NHB | Telephone conference with Mr. Lamothe, Mr. Lackner, Ms. Francis re: service issues, corporate structure, Secretary of State filings, and case strategy   | 1.30  | hrs. | \$268 | \$348.40   |
| 02/09/05 | NHB | Analyze possibility of removal and grounds for motion to dismiss   | 1.50  | hrs. | \$268 | \$402.00   |
| 02/09/05 | NHB | Revise affidavit of Ms. Francis  | 0.30  | hrs. | \$268 | \$80.40    |
| 02/09/05 | TYC | Travel to Secretary of State's office and meeting with Darrell of the S.O.S.'s office re: obtaining certified copy of all documents for FleetBoston Financial and meeting with Curtis Wise re: S.O.S.'s procedure for serving complaint  | 2.00  | hrs. | \$111 | \$222.00   |
| 02/10/05 | MDG | Conduct legal analysis re: removal issues, draft, revise and edit memorandum of law re: removal issues and work with NHB and WJH to finalize same  | 5.70  | hrs. | \$191 | \$1,088.70 |
| 02/10/05 | NHB | Analyze case strategy  | 0.20  | hrs. | \$268 | \$53.60    |
| 02/10/05 | NHB | Research prior lawsuits by Mr. Ware  | 1.00  | hrs. | \$268 | \$268.00   |
| 02/10/05 | NHB | Revise memorandum re: removal analysis   | 0.40  | hrs. | \$268 | \$107.20   |
| 02/10/05 | PLH | Conference with WJH re: foreign corporation issue  | 0.20  | hrs. | \$332 | \$66.40    |
| 02/10/05 | WJH | Draft answer; draft affidavit for Ms. Sanabria; interview Georgia Secretary of State clerk; review FBF tax returns; review Ware v. Bonner file; research removal issues; telephone conferences with Mr. Lamothe; telephone conference with Mr. Lamothe, Mr. Lackner; review and revisions of Ms. Francis affidavit; draft federal court affidavit; research jurisdiction issues; draft removal memo to Mr. Lamothe, Mr. Onorato, Mr. Lackner | 10.30 | hrs. | \$319 | \$3,285.70 |
| 02/11/05 | CVD | Review and analysis of Complaint   | 0.20  | hrs. | \$200 | \$40.00    |
| 02/11/05 | CVD | Meeting with WJH and NHB re: case  | 0.20  | hrs. | \$200 | \$40.00    |
| 02/11/05 | TYC | Meeting with NHB and WJH re: preparation for filing of removal   | 0.30  | hrs. | \$111 | \$33.30    |
| 02/11/05 | MDG | Conduct legal research and analysis re: diversity citizenship of a dissolved corporation under Delaware and Georgia law and work with NHB and WJH to finalize same   | 3.70  | hrs. | \$191 | \$706.70   |
| 02/11/05 | NHB | Draft memorandum in opposition to motion for default judgment  | 1.00  | hrs. | \$268 | \$268.00   |
| 02/11/05 | NHB | Legal research re: default judgment standard   | 0.50  | hrs. | \$268 | \$134.00   |
| 02/11/05 | NHB | Analyze removal strategy   | 1.00  | hrs. | \$268 | \$268.00   |

|          |     |   |      |      |       |            |
|----------|-----|---|------|------|-------|------------|
| 02/11/05 | NHB | Legal research re: cases cited in Ripaldi and re: Rule 17(b)  | 1.00 | hrs. | \$268 | \$268.00   |
| 02/11/05 | WJH | Research Section 1446 issues; research Delaware Corp. law issues; research judicial supremacy issues; draft notice of removal; draft state court notice; draft plaintiff notice; telephone conference with Mr. Lamothe, Mr. Onorata and Mr. Lackner | 7.70 | hrs. | \$319 | \$2,456.30 |
| 02/11/05 | CVD | Legal research re: res judicata and collateral estoppel   | 2.40 | hrs. | \$200 | \$480.00   |
| 02/12/05 | MDG | Conduct legal research and analysis re: diversity jurisdiction of dissolved corporations at the direction of NHB  | 3.50 | hrs. | \$191 | \$668.50   |
| 02/12/05 | MDG | Draft, revise and edit brief in support of motion to dismiss for insufficiency of process and lack of personal jurisdiction   | 2.50 | hrs. | \$191 | \$477.50   |
| 02/12/05 | WJH | Review removal cases from 11th Circuit; review Rule 12 issues; research Georgia appellate jurisdiction issues; review and revisions to e-mail to Mr. Onorato, Mr. Lamothe and Mr. Lackner   | 4.10 | hrs. | \$319 | \$1,307.90 |
| 02/12/05 | NHB | Legal research re: cases cited in headnote 4 of Ripaldi, Eleventh Circuit case law re: Rule 17(b), standard for withdrawing request for admission   | 3.30 | hrs. | \$268 | \$884.40   |
| 02/12/05 | NHB | Draft motion and memorandum for protective order or to withdraw admission   | 1.00 | hrs. | \$268 | \$268.00   |
| 02/12/05 | NHB | Telephone conference with Mr. Lamothe re: follow-up analysis on removal   | 0.30 | hrs. | \$268 | \$80.40    |
| 02/13/05 | MDG | Draft, revise and edit brief in support of motion to dismiss for insufficiency of process and lack of personal jurisdiction   | 5.80 | hrs. | \$191 | \$1,107.80 |
| 02/13/05 | NHB | Legal research for and revision of motion and memorandum for protective order or to withdraw admissions   | 3.00 | hrs. | \$268 | \$804.00   |
| 02/13/05 | NHB | Legal research re: standards for opening default and default judgment, entitlement to default judgment, two-part test for granting default judgment   | 2.40 | hrs. | \$268 | \$643.20   |
| 02/13/05 | NHB | Draft opposition to motion for default judgment and for summary judgment  | 2.00 | hrs. | \$268 | \$536.00   |
| 02/13/05 | CVD | Legal research re: res judicata and collateral estoppel and statutes of limitations for claims asserted by Plaintiffs   | 1.80 | hrs. | \$200 | \$360.00   |
| 02/13/05 | CVD | Prepare portions of motion to dismiss brief   | 3.30 | hrs. | \$200 | \$660.00   |
| 02/14/05 | CVD | Review and analysis of Plaintiffs prior court filings   | 0.80 | hrs. | \$200 | \$160.00   |
| 02/14/05 | CVD | Review and analysis of e-mail from WJH re: case and reply to e-mail   | 0.10 | hrs. | \$200 | \$20.00    |
| 02/14/05 | TYC | Telephone conference with clerk of Superior Court of Fulton County re: status of pleadings filed  | 0.10 | hrs. | \$111 | \$11.10    |
| 02/14/05 | TYC | Meeting with clerks of Fulton County Superior Court to obtain current docket and new pleadings filed by Ware  | 1.40 | hrs. | \$111 | \$155.40   |
| 02/14/05 | MDG | Revise and edit brief in support of motion to dismiss for insufficiency of process and lack of personal jurisdiction  | 2.80 | hrs. | \$191 | \$534.80   |
| 02/14/05 | MDG | Conduct legal research and analysis to support motion to dismiss for insufficiency of process and lack of personal jurisdiction   | 2.70 | hrs. | \$191 | \$515.70   |
| 02/14/05 | MDG | Conduct legal research and analysis re: Georgia law of appellate jurisdiction, stays pending appeal in Georgia trial courts and effect of removal to federal court on appeal pending in state court action  | 3.00 | hrs. | \$191 | \$573.00   |



|          |     |  |      |      |       |            |
|----------|-----|--|------|------|-------|------------|
| 02/14/05 | WJH | Research 12(b)(5) dismissal issues; research res judicata, collateral estoppel issues; review notice of appeal; review Judge Baxter order; e-mails to Mr. Lamothe, Mr. Lackner and Mr. Onorato; research removal after appeal; research waiver of removal jurisdiction                         | 7.80 | hrs. | \$319 | \$2,488.20 |
| 02/14/05 | NHB | Revise motion and memorandum for protective order or to withdraw admissions  | 0.60 | hrs. | \$268 | \$160.80   |
| 02/14/05 | NHB | Revise removal pleadings   | 1.20 | hrs. | \$268 | \$321.60   |
| 02/14/05 | NHB | Revise memorandum in opposition to motion for default judgment   | 1.10 | hrs. | \$268 | \$294.80   |
| 02/14/05 | NHB | Review and analysis of new pleadings filed by Mr. Ware   | 0.60 | hrs. | \$268 | \$160.80   |
| 02/14/05 | NHB | E-mail to Mr. Lamothe and Mr. Lackner re: same   | 0.20 | hrs. | \$268 | \$53.60    |
| 02/14/05 | NHB | Telephone conference with Mr. Lackner re: same   | 0.10 | hrs. | \$268 | \$26.80    |
| 02/14/05 | NHB | Telephone conference with Ms. Onorato re: same   | 0.10 | hrs. | \$268 | \$26.80    |
| 02/14/05 | NHB | Telephone conference with Mr. Lackner re: same   | 0.10 | hrs. | \$268 | \$26.80    |
| 02/14/05 | NHB | Legal research re: right to remove case after notice of appeal, whether filing of notice of appeal divests court of jurisdiction, waiver of removal jurisdiction, procedure after removal when appeal pending  | 6.50 | hrs. | \$268 | \$1,742.00 |
| 02/14/05 | NHB | Revise e-mail to Mr. Onorato, Mr. Lackner and Mr. Lamothe re: same   | 0.30 | hrs. | \$268 | \$80.40    |
| 02/14/05 | TYC | Prepare exhibits for removal   | 0.40 | hrs. | \$111 | \$44.40    |
| 02/14/05 | CVD | Legal research on filing certified court documents in support of res judicata defense and legal research on asserting statute of limitations defenses in motion to dismiss cases   | 2.20 | hrs. | \$200 | \$440.00   |
| 02/14/05 | CVD | Review and revision of motion to dismiss statute of limitations section  | 0.90 | hrs. | \$200 | \$180.00   |
| 02/15/05 | CVD | Review and revision of excerpt for Motion to Dismiss   | 3.20 | hrs. | \$200 | \$640.00   |
| 02/15/05 | DS  | Assist in preparing removal to be filed  | 1.60 | hrs. | \$106 | \$169.60   |
| 02/15/05 | TYC | Meeting with clerks to obtain certified copy of Amended complaint in Ware v. Fidelity and a copy of the appeals cost sheet in Ware v. FleetBoston  | 1.50 | hrs. | \$111 | \$166.50   |
| 02/15/05 | TYC | Assist with preparation for filing of removal and notices  | 2.90 | hrs. | \$111 | \$321.90   |
| 02/15/05 | TYC | Travel to U.S. District Court and file removal and notice to plaintiff   | 0.60 | hrs. | \$111 | \$66.60    |
| 02/15/05 | TYC | Travel to Fulton County Superior Court and file notice to state court  | 0.60 | hrs. | \$111 | \$66.60    |
| 02/15/05 | TYC | Travel to Georgia Court of Appeals and meet with clerks re: filing notice to court of appeals  | 0.80 | hrs. | \$111 | \$88.80    |
| 02/15/05 | TYC | Travel to Georgia Supreme Court and file notice to supreme court   | 0.40 | hrs. | \$111 | \$44.40    |
| 02/15/05 | MDG | Work with NHB and WJH to finalize removal to federal court and supervise service of removal papers   | 2.50 | hrs. | \$191 | \$477.50   |
| 02/15/05 | WJH | Telephone conference with Georgia Court of Appeals clerk; review and revisions to removal notices; telephone conference with Mr. Lackner; prepare removal pleadings and correspondence; research waiver of jurisdiction issues; research federal court procedure issues (Rule 59(c) and 60(d)) | 6.60 | hrs. | \$319 | \$2,105.40 |
| 02/15/05 | NHB | Legal research re: when trial court is divested after jurisdiction after notice of appeal  | 1.00 | hrs. | \$268 | \$268.00   |
| 02/15/05 | NHB | Analyze removal strategy   | 0.50 | hrs. | \$268 | \$134.00   |

|          |     |   |      |      |       |            |
|----------|-----|---|------|------|-------|------------|
| 02/15/05 | NHB | Telephone conference with Mr. Lackner re: whether to remove case to federal court   | 0.50 | hrs. | \$268 | \$134.00   |
| 02/15/05 | NHB | Prepare removal pleadings and correspondence re: same   | 4.10 | hrs. | \$268 | \$1,098.80 |
| 02/15/05 | NHB | Conference with Judge Lane's law clerk re: removal  | 1.00 | hrs. | \$268 | \$268.00   |
| 02/15/05 | NHB | E-mail to Mr. Lackner and Mr. Lamothe re: status of removal and re: conversation with Judge Lane's law clerk  | 0.30 | hrs. | \$268 | \$80.40    |
| 02/15/05 | MAB | Travel to DeKalb courthouse, order archived files to obtain certified copies of pleadings   | 1.10 | hrs. | \$106 | \$116.60   |
| 02/16/05 | CVD | Legal research on dismissal with prejudice  | 0.50 | hrs. | \$200 | \$100.00   |
| 02/16/05 | CVD | Legal research on Rule 60(b)(3) and filing motion to set aside judgment   | 3.60 | hrs. | \$200 | \$720.00   |
| 02/16/05 | CVD | Review and revision of Motion to Dismiss  | 0.50 | hrs. | \$200 | \$100.00   |
| 02/16/05 | TYC | Meeting with WJH and NHB re: organizing filed documents   | 0.10 | hrs. | \$111 | \$11.10    |
| 02/16/05 | TYC | Draft affidavit of Tangela Y. Cooke   | 0.50 | hrs. | \$111 | \$55.50    |
| 02/16/05 | MDG | Work with NHB and WJH to prepare motion to set aside default judgment entered by state court  | 1.80 | hrs. | \$191 | \$343.80   |
| 02/16/05 | WJH | Prepare for and represent Bank of America at hearing before Judge Lane; e-mails to Mr. Lackner, Mr. Lamothe re: state court hearing and Federal Judge Marvin Shoob; draft 12(b)(6) brief fact section | 3.80 | hrs. | \$319 | \$1,212.20 |
| 02/16/05 | NHB | E-mail to Mr. Lamothe re: pleadings   | 0.40 | hrs. | \$268 | \$107.20   |
| 02/16/05 | NHB | Prepare motion to vacate judgment   | 1.00 | hrs. | \$268 | \$268.00   |
| 02/16/05 | NHB | Analyze case strategy   | 0.50 | hrs. | \$268 | \$134.00   |
| 02/16/05 | NHB | Revise affidavit of TYC re: attempted filing in Georgia Court of Appeals  | 0.20 | hrs. | \$268 | \$53.60    |
| 02/16/05 | NHB | Legal research re: standard to vacate judgment under Rule 60(b)   | 4.20 | hrs. | \$268 | \$1,125.60 |
| 02/16/05 | NHB | E-mail to Mr. Lackner re: nonpayment of costs by Plaintiffs   | 0.10 | hrs. | \$268 | \$26.80    |
| 02/17/05 | MAB | Review docket for WJH and NHB at Fulton Courthouse  | 0.90 | hrs. | \$106 | \$95.40    |
| 02/17/05 | MDG | Conduct legal research and analysis re: due process issues to support motion to set aside default judgment  | 2.50 | hrs. | \$191 | \$477.50   |
| 02/17/05 | MDG | Draft, revise, and edit motion to set aside default judgment pursuant to Rule 60(b)   | 3.30 | hrs. | \$191 | \$630.30   |
| 02/17/05 | WJH | Draft 12(b) brief; review and revisions to Rule 60 brief; telephone conference with Judge Baxter's clerk  | 7.60 | hrs. | \$319 | \$2,424.40 |
| 02/17/05 | NHB | Legal research re: fraud on the court as basis to vacate judgment   | 1.50 | hrs. | \$268 | \$402.00   |
| 02/17/05 | NHB | Revise affidavit of TYC re: attempted filing of Court of Appeals Notice   | 0.20 | hrs. | \$268 | \$53.60    |
| 02/17/05 | NHB | Revise memorandum in support of motion for protective order or to withdraw admissions   | 1.30 | hrs. | \$268 | \$348.40   |
| 02/17/05 | NHB | Revise brief in support of Rule 60(b) motion  | 0.50 | hrs. | \$268 | \$134.00   |
| 02/17/05 | CVD | Legal research re: res judicata and privity by succession   | 0.40 | hrs. | \$200 | \$80.00    |
| 02/17/05 | CVD | Legal research re: motion to set aside for fraud  | 2.10 | hrs. | \$200 | \$420.00   |
| 02/17/05 | CVD | Prepare insert for motion to set aside brief  | 3.80 | hrs. | \$200 | \$760.00   |
| 02/18/05 | CVD | Travel with WJH to Superior Court of Fulton County for meeting with Judge Baxter  | 0.90 | hrs. | \$200 | N/C        |
| 02/18/05 | TYC | Prepare appendix to brief in support of defendant's rule 12(B) motion to dismiss complaint  | 0.50 | hrs. | \$111 | \$55.50    |
| 02/18/05 | TYC | Meeting with WJH re: notices of filing affidavits and indigent filing by plaintiff  | 0.10 | hrs. | \$111 | \$11.10    |
| 02/18/05 | TYC | Prepare notices of filing original affidavits of  | 0.50 | hrs. | \$111 | \$55.50    |

|          |     |  |      |      |       |            |
|----------|-----|--|------|------|-------|------------|
|          |     | Sanabria, Judge Baxter and Judge Bonner; prepare notice of filing second original affidavit of Frances   |      |      |       |            |
| 02/18/05 | MDG | Draft insert for motion to dismiss re: Rule 12(b)(6) standard  | 0.50 | hrs. | \$191 | \$95.50    |
| 02/18/05 | WJH | Interview Judge Baxter; prepare affidavit for Judge Baxter; conference with Judge Baxter's law clerk; conference with Judge Brogdon's law clerk; telephone conference with Mr. Lamothe; review and revisions to Rule 60 motion/brief; review and revisions to Ms. Francis affidavit; review and revisions to Ms. Sanabria's affidavit; telephone conference with Ms. Livsey; research Rule 11 issues; meeting with Fulton Superior Clerk | 6.70 | hrs. | \$319 | \$2,137.30 |
| 02/19/05 | WJH | Review and revisions to motion to withdraw admissions; review and revisions to Rule 12(b) motion/brief; research Rule 11 motion  | 6.80 | hrs. | \$319 | \$2,169.20 |
| 02/20/05 | WJH | Review and revisions to Rule 12(b) brief; review and revisions to Rule 60(b) brief; review and revisions to WJH affidavit; review and revisions to motion for protective order; research Rule 11 motion issues; research Rule 41(a) issues; e-mail to Mr. Lamothe  | 6.20 | hrs. | \$319 | \$1,977.80 |
| 02/21/05 | CVD | Review and revision of motion to dismiss   | 1.20 | hrs. | \$200 | \$240.00   |
| 02/21/05 | TYC | Revise original appendix and copies of appendix to brief in support of defendant's rule 12(b) motion to dismiss complaint  | 2.30 | hrs. | \$111 | \$255.30   |
| 02/21/05 | TYC | Draft table of contents for appendix to brief in support of defendant's rule 12(b) motion to dismiss complaint   | 0.20 | hrs. | \$111 | \$22.20    |
| 02/21/05 | TYC | Meeting with Judge Baxter's assistant to obtain Judge Baxter's affidavit   | 1.40 | hrs. | \$111 | \$155.40   |
| 02/21/05 | TYC | Prepare exhibits to affidavits of Cristina Sanabria and Second affidavit of Martha Frances   | 0.50 | hrs. | \$111 | \$55.50    |
| 02/21/05 | TYC | Revise original exhibits and copies of exhibits to affidavits of Sanabria and Frances  | 0.40 | hrs. | \$111 | \$44.40    |
| 02/21/05 | MDG | Shepherdize and analyze Rule 12(b)(6) motion to dismiss  | 1.30 | hrs. | \$191 | \$248.30   |
| 02/21/05 | WJH | Telephone conference with Judge Baxter's clerk; telephone conference with Judge Baxter; review and revisions to Baxter affidavit; finalize Rule 12(b) motion and prepare exhibits; review and revisions to Rule 609b) motion and brief; telephone conference with Judge Brogdon's clerk  | 7.20 | hrs. | \$319 | \$2,296.80 |
| 02/22/05 | DS  | Assist in preparing affidavits and brief to be filed with Court  | 1.00 | hrs. | \$106 | \$106.00   |
| 02/22/05 | TYC | Cite check Defendant Fleet Boston Financial Corporation's motion and memorandum for protective order or alternatively, to deem admissions withdrawn and brief in support of defendant's rule 60(b) motion to set aside orders  | 2.00 | hrs. | \$111 | \$222.00   |
| 02/22/05 | TYC | Prepare final versions of notices of filing  | 0.40 | hrs. | \$111 | \$44.40    |
| 02/22/05 | TYC | Meeting with WJH re: appendix exhibits and table of contents to appendix   | 0.30 | hrs. | \$111 | \$33.30    |
| 02/22/05 | TYC | Revise table of contents to exhibits   | 0.20 | hrs. | \$111 | \$22.20    |
| 02/22/05 | TYC | Prepare final versions of affidavits of Francis and Sanabria with exhibits   | 1.50 | hrs. | \$111 | \$166.50   |
| 02/22/05 | TYC | Prepare final version of appendix and copies of appendix   | 2.90 | hrs. | \$111 | \$321.90   |
| 02/22/05 | WJH | Telephone conference with Ms. Sanabria; review and revisions to Sanabria affidavit; prepare Rule 12(b) brief for filing; final edit;   | 6.80 | hrs. | \$319 | \$2,169.20 |

|          |     |   |      |      |       |            |
|----------|-----|---|------|------|-------|------------|
|          |     | review and revisions to notices of filing affidavits; telephone conference with District Court clerk; draft Rule 12(b) motion   |      |      |       |            |
| 02/22/05 | NHB | Revise Rule 12(b) motion and prepare for filing   | 3.00 | hrs. | \$268 | \$804.00   |
| 02/22/05 | NHB | Revise Rule 12(b) motion and prepare for filing   | 0.20 | hrs. | \$268 | \$53.60    |
| 02/22/05 | NHB | Prepare supporting affidavits for filing  | 0.50 | hrs. | \$268 | \$134.00   |
| 02/22/05 | NHB | Prepare appendix to Rule 12(b) and Rule 60 briefs   | 0.50 | hrs. | \$268 | \$134.00   |
| 02/23/05 | TYC | Cite check Defendant Fleet Boston Financial Corporation's motion and memorandum for protective order or alternatively, to deem admissions withdrawn and brief in support of defendant's rule 60(b) motion to set aside orders Lexis citations | 1.00 | hrs. | \$111 | \$111.00   |
| 02/23/05 | TYC | File motion and brief with clerk of U.S. District Court   | 1.30 | hrs. | \$111 | \$144.30   |
| 02/23/05 | TYC | Assist with preparation for filing motion and brief   | 2.00 | hrs. | \$111 | \$222.00   |
| 02/23/05 | WJH | Rule 60(b) brief final edit; motion to withdraw request for admissions final edit; telephone conference with District Court clerk; telephone conference with Judge Lane's docket clerk  | 5.20 | hrs. | \$319 | \$1,658.80 |
| 02/23/05 | NHB | Revise Rule 60 brief and prepare for filing   | 0.50 | hrs. | \$268 | \$134.00   |
| 02/23/05 | NHB | Prepare Rule 60 motion  | 0.50 | hrs. | \$268 | \$134.00   |
| 02/23/05 | NHB | Revise motion and brief for protective order and prepare for filing   | 1.50 | hrs. | \$268 | \$402.00   |
| 02/23/05 | NHB | Letter to Clerk of Court re: filing   | 0.10 | hrs. | \$268 | \$26.80    |
| 02/23/05 | TYC | Telephone conferences with Judge Shoob's docket clerk re: motion and brief  | 0.20 | hrs. | \$111 | \$22.20    |
| 02/28/05 | NHB | Telephone conference with Judge Shoob's Chambers re: courtesy copies  | 0.20 | hrs. | \$268 | \$53.60    |
| 02/28/05 | NHB | Letter to law clerk re: same  | 0.10 | hrs. | \$268 | \$26.80    |

## TOTAL PROFESSIONAL FEES:

\$66,634.80

## EXPENSES:

|          |   |                             |
|----------|---|-----------------------------|
| 02/08/05 | Vendor PETTY CASH; Invoice # EM020805 MAB; Outside printing   | \$150.00                    |
| 02/09/05 | Vendor PETTY CASH; Invoice # RECON020905; Outside printing - TYC  | \$10.00                     |
| 02/14/05 | 2/8/05 Copies from GA Secretary of State<br>Vendor CLERK, U.S. DISTRICT COURT; Invoice # CR021405 TYC; Filing Fee for removal | \$250.00                    |
| 02/16/05 | Vendor PETTY CASH; Invoice # EM021605 MAB; Outside printing   | \$160.00                    |
| 02/22/05 | Vendor PETTY CASH; Invoice # RECON022105; Outside printing TYC  | \$2.00                      |
| 02/22/05 | 2/15/05 Copies from Fulton Superior Court<br>Vendor PETTY CASH; Invoice # RECON022105; Outside printing MAB                   | \$8.00                      |
| 02/22/05 | 2/11/05 Copies<br>Vendor PETTY CASH; Invoice # RECON022105; Outside printing MAB  | \$10.00                     |
| 02/22/05 | 2/17/05 Copies<br>Vendor PETTY CASH; Invoice # RECON022105; Outside printing MAV  | \$115.90                    |
| 02/28/05 | 2/14/04 Copies<br>Copying   | 6034 @ \$0.10/page \$603.40 |
| 02/28/05 | Long distance telephone   | \$1.48                      |

TOTAL EXPENSES:

\$1,310.78

**BILLING SUMMARY:**

|     |           |                      |        |     |       |             |
|-----|-----------|----------------------|--------|-----|-------|-------------|
| PLH | Partner   | Hudson Jr., Paul L.  | 0.20   | hrs | \$332 | \$66.40     |
| WJH | Partner   | Holley, William J.   | 103.20 | hrs | \$319 | \$32,920.80 |
| NHB | Partner   | Baughan, Nancy H.    | 56.80  | hrs | \$268 | \$15,222.40 |
| CVD | Associate | Davis, Cinnamon V.   | 28.10  | hrs | \$200 | \$5,440.00  |
| MDG | Associate | Grider, Michael D.   | 46.60  | hrs | \$191 | \$8,900.60  |
| TYC | Paralegal | Cooke, Tangela Y.    | 30.40  | hrs | \$111 | \$3,374.40  |
| DS  | Paralegal | Stapleton, Dixon     | 2.60   | hrs | \$106 | \$275.60    |
| MAB | Paralegal | Buchanan, Matthew A. | 4.10   | hrs | \$106 | \$434.60    |

|                         |        |     |             |
|-------------------------|--------|-----|-------------|
| Current Total Fees:     | 272.00 | hrs | \$66,634.80 |
| Current Total Expenses: |        |     | \$1,310.78  |

CURRENT AMOUNT DUE:

\$67,945.58

TOTAL AMOUNT DUE:

\$67,945.58

**PARKER, HUDSON, RAINER & DOBBS LLP**

A LIMITED LIABILITY PARTNERSHIP  
**ATTORNEYS AT LAW**  
**1500 MARQUIS TWO TOWER**  
**285 PEACHTREE CENTER AVENUE, N.E.**  
**ATLANTA, GEORGIA 30303**  
**(404) 523-5300**  
**EIN: 58-1423485**

Invoice Date: 03/31/05  
 Invoice Number: 129451 WJH

Bank of America, N.A.  
 Bank of America Plaza  
 NC1-002-29-01  
 101 South Tryon Street  
 Charlotte, NC 28255-0001  
 ATTN: David J. Lamothe, Esq.

**Re: Ware v. Fleetboston Financial Corp.**  
**(001204/00415)**

**Legal Matter No.: L45028-20050225**

**FOR PROFESSIONAL SERVICES RENDERED THROUGH: March 31, 2005**

|          |     |  |           |       |          |
|----------|-----|--|-----------|-------|----------|
| 03/03/05 | TYC | Legal research via Pacer to find out status of filings   | 0.20 hrs. | \$111 | \$22.20  |
| 03/03/05 | WJH | Check court docket and filing deadlines  | 0.20 hrs. | \$319 | \$63.80  |
| 03/14/05 | TYC | Review on-line docket for status of filings by plaintiff and e-mail filing status report to WJH  | 0.10 hrs. | \$111 | \$11.10  |
| 03/15/05 | TYC | Review on-line docket for status of filings by plaintiff and e-mail WJH filings status report  | 0.10 hrs. | \$111 | \$11.10  |
| 03/15/05 | TYC | Telephone conferences with clerks of Supreme and Superior Courts re: status of filings by plaintiff  | 0.10 hrs. | \$111 | \$11.10  |
| 03/15/05 | WJH | Check Federal Court docket; check State Court docket   | 0.30 hrs. | \$319 | \$95.70  |
| 03/15/05 | WJH | E-mail to Mr. Lamothe  | 0.20 hrs. | \$319 | \$63.80  |
| 03/17/05 | NHB | Review and analysis of pleadings filed by plaintiffs   | 0.70 hrs. | \$268 | \$187.60 |
| 03/17/05 | MDG | Review and analyze pleading filed by plaintiff seeking dismissal and remand  | 1.30 hrs. | \$191 | N/C      |
| 03/17/05 | WJH | Review Ware's motion to remand; review Ware's statements from the Holy Ghost; review attorney Johnson's affidavit; review cases cited by Ware    | 2.80 hrs. | \$319 | \$893.20 |
| 03/18/05 | AEK | Travel to Secretary of State office to retrieve all documents filed under Fleet Financial Corp. of Rhode Island and Fleet Boston of Rhode Island | 1.00 hrs. | \$93  | \$93.00  |
| 03/18/05 | AEK | Prepare memo re: Secretary of State records  | 0.40 hrs. | \$93  | \$37.20  |
| 03/18/05 | TYC | Retrieve amendment to return of service from Pacer for review by WJH   | 0.10 hrs. | \$111 | \$11.10  |
| 03/18/05 | NHB | Review and analysis of plaintiffs' response to Bank of America's motions   | 0.60 hrs. | \$268 | \$160.80 |

Client No. 001204

Matter No. 00415

Invoice# 129451

Page 2

|          |     |   |      |      |       |          |
|----------|-----|---|------|------|-------|----------|
| 03/18/05 | NHB | Telephone conference with Mr. Lamothe re: same  | 0.10 | hrs. | \$268 | \$26.80  |
| 03/18/05 | NHB | Analyze corporate information attached to plaintiffs' pleadings   | 0.50 | hrs. | \$268 | \$134.00 |
| 03/18/05 | NHB | Revise memorandum re: Georgia Secretary of State Records  | 0.30 | hrs. | \$268 | \$80.40  |
| 03/18/05 | WJH | Research corporate authority arguments  | 1.20 | hrs. | \$319 | \$382.80 |
| 03/18/05 | WJH | Research "unanimity rule" argument  | 0.90 | hrs. | \$319 | \$287.10 |
| 03/18/05 | WJH | Research ability to amend service returns   | 1.30 | hrs. | \$319 | \$414.70 |
| 03/18/05 | WJH | Research affidavit issues   | 0.70 | hrs. | \$319 | \$223.30 |
| 03/21/05 | NHB | Analyze plaintiff's motion to dismiss and to remand   | 0.90 | hrs. | \$268 | \$241.20 |
| 03/21/05 | NHB | Telephone conference with Mr. Lamothe re: same  | 0.30 | hrs. | \$268 | \$80.40  |
| 03/21/05 | NHB | Analyze response to same  | 0.80 | hrs. | \$268 | \$214.40 |
| 03/21/05 | MDG | Conference with WJH and NHB re: legal research to be performed in response to plaintiffs' motion to remand                          | 0.50 | hrs. | \$191 | N/C      |
| 03/21/05 | WJH | Telephone conference with Mr. Lamothe re: responding to Ware filings  | 0.70 | hrs. | \$319 | \$223.30 |
| 03/21/05 | WJH | Telephone conference with Ms. Francis re: new affidavit and corporate histories of Fleet Finance and FleetBoston                    | 0.90 | hrs. | \$319 | \$287.10 |
| 03/21/05 | WJH | Draft new affidavit for Ms. Francis   | 1.70 | hrs. | \$319 | \$542.30 |
| 03/21/05 | WJH | Review Georgia Secretary of State records re: Fleet Finance of Rhode Island   | 0.40 | hrs. | \$319 | \$127.60 |
| 03/22/05 | WJH | Telephone conference with Ms. Francis   | 0.20 | hrs. | \$319 | \$63.80  |
| 03/22/05 | WJH | Review and revisions to affidavit for Ms. Francis   | 0.30 | hrs. | \$319 | \$95.70  |
| 03/23/05 | NHB | Telephone conference with Ms. Litsky re: third affidavit of Ms. Francis   | 0.10 | hrs. | \$268 | \$26.80  |
| 03/23/05 | NHB | Telephone conferences with Ms. Sullivan in Secretary of State's office re: preparation of certificates of fact re: corporate status | 0.50 | hrs. | \$268 | \$134.00 |
| 03/23/05 | NHB | Telephone conference with Ms. Francis re: changes to third affidavit  | 0.40 | hrs. | \$268 | \$107.20 |
| 03/23/05 | NHB | Revise third affidavit  | 0.70 | hrs. | \$268 | \$187.60 |
| 03/23/05 | NHB | Analyze methods for requesting that Court grant motion as unopposed   | 0.40 | hrs. | \$268 | \$107.20 |
| 03/23/05 | NHB | Prepare reply briefs  | 0.40 | hrs. | \$268 | \$107.20 |
| 03/23/05 | MDG | Conduct legal research and analysis re: constitutionality of service of process upon a secretary of state                           | 2.50 | hrs. | \$191 | \$477.50 |
| 03/24/05 | AEK | Research at GA Secretary of State's office to retrieve certified copies of all documents filed and certified copies of fact         | 0.75 | hrs. | \$93  | \$69.75  |
| 03/24/05 | NHB | Telephone conference with Ms. Welch re: Georgia Supreme Court records   | 0.20 | hrs. | \$268 | \$53.60  |
| 03/24/05 | NHB | Prepare letter re: Supreme Court records  | 0.20 | hrs. | \$268 | \$53.60  |
| 03/24/05 | NHB | Prepare response to plaintiff's motion to dismiss and remand  | 0.70 | hrs. | \$268 | \$187.60 |
| 03/24/05 | NHB | Telephone conferences with Ms. Robinson re: affidavit   | 0.40 | hrs. | \$268 | \$107.20 |
| 03/24/05 | NHB | Prepare affidavit of Ms. Robinson re: lack of transmission of records to Court of Appeals   | 1.30 | hrs. | \$268 | \$348.40 |
| 03/24/05 | NHB | Revise letter to Ms. Welch re: Supreme Court record   | 0.70 | hrs. | \$268 | \$187.60 |
| 03/24/05 | NHB | Review and analysis of Georgia Secretary of State records regarding Fleet Financial and Fleet Boston                                | 0.30 | hrs. | \$268 | \$80.40  |
| 03/24/05 | NHB | Prepare reply brief in support of motion to dismiss   | 0.60 | hrs. | \$268 | \$160.80 |
| 03/24/05 | MDG | Conference with WJH re: legal research and analysis to be performed and conduct legal research and analysis re: subject matter      | 1.00 | hrs. | \$191 | \$191.00 |



Client No. 001204

Matter No. 00415

Invoice# 129451

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|          |     |   |      |      |       |            |
|----------|-----|---|------|------|-------|------------|
|          |     | jurisdiction  |      |      |       |            |
| 03/24/05 | WJH | Review cases cited in plaintiff's motion to dismiss   | 1.80 | hrs. | \$319 | \$574.20   |
| 03/24/05 | WJH | Review and revisions to third affidavit for Ms. Francis and e-mail to Ms. Francis   | 0.60 | hrs. | \$319 | \$191.40   |
| 03/25/05 | NHB | Telephone conference with Ms. Welch re: letter confirming no case pending in Supreme Court  | 0.10 | hrs. | \$268 | \$26.80    |
| 03/25/05 | NHB | Revise letter re: confirming no case pending in Supreme Court   | 0.10 | hrs. | \$268 | \$26.80    |
| 03/25/05 | NHB | Attempt to obtain evidentiary statement from Georgia Secretary of State's office that Secretary of States office does not transmit service papers           | 0.40 | hrs. | \$268 | \$107.20   |
| 03/25/05 | NHB | Revise reply briefs in support of motions to dismiss, to vacate orders and for protective order   | 0.40 | hrs. | \$268 | \$107.20   |
| 03/25/05 | NHB | Prepare exhibits to opposition to motion to dismiss   | 0.40 | hrs. | \$268 | \$107.20   |
| 03/26/05 | NHB | Revise reply brief in support of motion to dismiss, Rule 60(b) motion and motion for protective order   | 0.40 | hrs. | \$268 | \$107.20   |
| 03/28/05 | MDG | Draft, revise and edit certificate of interested persons  | 1.00 | hrs. | \$191 | \$191.00   |
| 03/28/05 | MDG | Draft, revise and edit legal argument section of response to motion to remand re: constitutionality of service of process on the Georgia Secretary of State | 3.00 | hrs. | \$191 | \$573.00   |
| 03/28/05 | WJH | Telephone conference with Ms. Francis re: affidavit   | 0.60 | hrs. | \$319 | \$191.40   |
| 03/28/05 | WJH | Telephone conference with Secretary of State's office re: certificate of fact   | 0.30 | hrs. | \$319 | \$95.70    |
| 03/29/05 | WJH | Research statutory service agreement issues and jurisdiction issues   | 2.40 | hrs. | \$319 | \$765.60   |
| 03/29/05 | WJH | Draft response to motion to remand  | 3.60 | hrs. | \$319 | \$1,148.40 |
| 03/30/05 | NHB | Revise reply briefs   | 0.30 | hrs. | \$268 | \$80.40    |
| 03/30/05 | NHB | Revise opposition to motion to remand or to dismiss   | 0.40 | hrs. | \$268 | \$107.20   |
| 03/30/05 | MDG | Review and analyze new U.S. Supreme Court case re: Rooker-Feldman doctrine for applicability to subject matter jurisdiction arguments                       | 1.00 | hrs. | \$191 | \$191.00   |
| 03/30/05 | WJH | Telephone calls to Secretary of State's office  | 0.60 | hrs. | \$319 | \$191.40   |
| 03/30/05 | WJH | Draft response to motion to remand  | 6.80 | hrs. | \$319 | \$2,169.20 |
| 03/31/05 | NHB | Analyze corporate status of T. L. Ware Bottling Co.   | 0.10 | hrs. | \$268 | \$26.80    |
| 03/31/05 | MDG | Draft, revise and edit legal argument section of response to motion to remand re: subject matter jurisdiction   | 2.00 | hrs. | \$191 | \$382.00   |
| 03/31/05 | WJH | Review and revisions to response brief  | 3.90 | hrs. | \$319 | \$1,244.10 |
| 03/31/05 | WJH | Research plaintiff standing issues  | 1.20 | hrs. | \$319 | \$382.80   |
| 03/31/05 | WJH | Review and revisions to 12(b) reply   | 0.40 | hrs. | \$319 | \$127.60   |
| 03/31/05 | WJH | Review and revisions to 60(b) reply   | 0.40 | hrs. | \$319 | \$127.60   |
| 03/31/05 | WJH | Review and revisions to request for admissions withdrawn  | 0.30 | hrs. | \$319 | \$95.70    |
| 03/31/05 | WJH | Research background of process server   | 0.30 | hrs. | \$319 | \$95.70    |
| 03/31/05 | WJH | Research attorney Jackson Bar record  | 0.40 | hrs. | \$319 | \$127.60   |
| 03/31/05 | WJH | E-mails to and from Mr. Lamothe   | 0.30 | hrs. | \$319 | \$95.70    |
| 03/31/05 | DS  | Prepare supplemental appendix to defendant's response to plaintiffs' motion to dismiss and remand case  | 1.50 | hrs. | \$106 | \$159.00   |
| 03/31/05 | DS  | Prepare notice of filing original affidavit of M. Rebecca Francis   | 0.40 | hrs. | \$106 | \$42.40    |
| 03/31/05 | DS  | Prepare notice of filing of original affidavit of Ladisa Robinson   | 0.30 | hrs. | \$106 | \$31.80    |



Client No. 001204

Matter No. 00415

Invoice# 129451

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TOTAL PROFESSIONAL FEES: \$17,565.15

**EXPENSES:**

|          |  |                |
|----------|--|----------------|
| 03/01/05 | Vendor EXCEL BUSINESS SOLUTIONS;<br>Invoice # 18014; Outside printing  | \$151.51       |
| 03/14/05 | Vendor PETTY CASH; Invoice #<br>RECON031405; Outside printing TYC<br>2/21/05 Certified copies from Fulton County<br>Superior Court | \$13.25        |
| 03/14/05 | Vendor PETTY CASH; Invoice #<br>RECON031405; Local travel CVD 2/18/05<br>Parking to attend meeting with WJH and<br>Judge Baxter    | \$3.00         |
| 03/14/05 | Vendor PETTY CASH; Invoice #<br>RECON031405; Local travel NHB 2/15/05<br>Parking to deliver pleadings to Judge Lane's<br>chamber   | \$3.00         |
| 03/31/05 | Copying 238 @ \$0.10/page  | \$23.80        |
| 03/31/05 | Telephone  | \$1.59         |
| 03/31/05 | Delivery services/messengers Federal Express   | \$37.64        |
| 03/31/05 | Long Distance - Calling Card   | <u>\$17.76</u> |

TOTAL EXPENSES: \$251.55

**BILLING SUMMARY:**

|     |           |                    |             |            |             |                 |
|-----|-----------|--------------------|-------------|------------|-------------|-----------------|
| WJH | Partner   | Holley, William J. | 35.70       | hrs        | \$319       | \$11,388.30     |
| NHB | Partner   | Baughan, Nancy H.  | 13.70       | hrs        | \$268       | \$3,671.60      |
| MDG | Associate | Grider, Michael D. | 12.30       | hrs        | \$191       | \$2,005.50      |
| TYC | Paralegal | Cooke, Tangela Y.  | 0.60        | hrs        | \$111       | \$66.60         |
| DS  | Paralegal | Stapleton, Dixon   | 2.20        | hrs        | \$106       | \$233.20        |
| AEK | Paralegal | Kaplan, Amy E.     | <u>2.15</u> | <u>hrs</u> | <u>\$93</u> | <u>\$199.95</u> |

|                         |       |     |             |
|-------------------------|-------|-----|-------------|
| Current Total Fees:     | 66.65 | hrs | \$17,565.15 |
| Current Total Expenses: |       |     | \$251.55    |

CURRENT AMOUNT DUE: \$17,816.70

Previous Balance: \$67,945.58

TOTAL AMOUNT DUE: \$85,762.28

**PARKER, HUDSON, RAINER & DOBBS LLP**

A LIMITED LIABILITY PARTNERSHIP  
**ATTORNEYS AT LAW**  
 1500 MARQUIS TWO TOWER  
 285 PEACHTREE CENTER AVENUE, N.E.  
**ATLANTA, GEORGIA 30303**  
 (404) 523-5300  
 EIN: 58-1423485

Invoice Date: 04/30/05  
 Invoice Number: 130261 WJH

Bank of America, N.A.  
 Bank of America Plaza  
 NC1-002-29-01  
 101 South Tryon Street  
 Charlotte, NC 28255-0001  
 ATTN: David J. Lamothe, Esq.

**Re: Ware v. Fleetboston Financial Corp.**  
**(001204/00415)**

**Legal Matter No.: L45028-20050225**

**FOR PROFESSIONAL SERVICES RENDERED THROUGH: April 30, 2005**

|          |     |  |           |       |          |
|----------|-----|--|-----------|-------|----------|
| 04/01/05 | AEK | Research at Secretary of State's office re: certified copies for filings                               | 1.00 hrs. | \$93  | \$93.00  |
| 04/01/05 | TYC | Meeting with WJH re: preparation for filing briefs   | 0.10 hrs. | \$111 | N/C      |
| 04/01/05 | TYC | Draft and revise supplemental appendix   | 0.80 hrs. | \$111 | \$88.80  |
| 04/01/05 | TYC | Prepare exhibits to supplemental appendix  | 0.50 hrs. | \$111 | \$55.50  |
| 04/01/05 | TYC | Assist with preparation for filing of briefs   | 0.30 hrs. | \$111 | \$33.30  |
| 04/01/05 | TYC | Meeting with clerk of U.S.D.C. to file pleadings and deliver courtesy copy of pleadings to Judge Shoob | 0.40 hrs. | \$111 | \$44.40  |
| 04/01/05 | NHB | Analyze standing argument  | 0.20 hrs. | \$268 | \$53.60  |
| 04/01/05 | NHB | Legal research re: whether lack of capacity as basis for motion to dismiss                             | 1.10 hrs. | \$268 | \$294.80 |
| 04/01/05 | NHB | Revise reply briefs to include argument re: lack of capacity   | 0.90 hrs. | \$268 | \$241.20 |
| 04/01/05 | WJH | Telephone conference with Secretary of State's office re: certificate of fact                          | 0.20 hrs. | \$319 | \$63.80  |
| 04/01/05 | WJH | Review and revisions to response to remand motion  | 1.80 hrs. | \$319 | \$574.20 |
| 04/01/05 | WJH | Telephone conference with Mr. Lamothe  | 0.30 hrs. | \$319 | \$95.70  |
| 04/01/05 | WJH | Review and revisions to appendix and prepare for filing  | 1.20 hrs. | \$319 | \$382.80 |

**TOTAL PROFESSIONAL FEES:** **\$2,021.10**

**EXPENSES:**

|          |  |        |
|----------|--|--------|
| 04/01/05 | Vendor PETTY CASH; Invoice # RECON033105; Outside printing DS 3/25/05 copies from Fulton County Superior Court | \$7.00 |
|----------|--|--------|

Client No. 001204

Matter No. 00415

Invoice# 130261

Page 2

|          |   |     |                 |               |
|----------|---|-----|-----------------|---------------|
| 04/01/05 | Vendor PETTY CASH; Invoice #                |     |                 | \$10.00       |
|          | RECON033105; Outside printing AEK           |     |                 |               |
|          | 3/18/05 copies from GA Sec of State         |     |                 |               |
| 04/01/05 | Vendor PETTY CASH; Invoice #                |     |                 | \$3.00        |
|          | RECON033105; Local travel DS 3/25/05        |     |                 |               |
|          | parking to obtain copies from Fulton County |     |                 |               |
|          | Superior Court                              |     |                 |               |
| 04/01/05 | Vendor PETTY CASH; Invoice #                |     |                 | \$5.00        |
|          | RECON033105; Local travel AEK 3/18/05       |     |                 |               |
|          | parking to obtain copies from GA Sec of     |     |                 |               |
|          | State                                       |     |                 |               |
| 04/01/05 | Vendor PETTY CASH; Invoice #                |     |                 | \$5.00        |
|          | RECON033105; Local travel AEK 3/24/05       |     |                 |               |
|          | parking                                     |     |                 |               |
| 04/15/05 | Vendor PETTY CASH; Invoice #                |     |                 | \$10.00       |
|          | RECON041505; Outside printing AEK           |     |                 |               |
|          | 3/31/05 Copies from GA Secretary of State   |     |                 |               |
| 04/15/05 | Vendor PETTY CASH; Invoice #                |     |                 | \$5.00        |
|          | RECON041505; Local travel AEK 3/31/05       |     |                 |               |
|          | parking to obtain copies from GA Secretary  |     |                 |               |
|          | of State                                    |     |                 |               |
| 04/15/05 | Vendor PETTY CASH; Invoice #                |     |                 | \$5.00        |
|          | RECON041505; Local travel AEK 4/1/05        |     |                 |               |
|          | parking                                     |     |                 |               |
| 04/30/05 | Copying                                     | 489 | @ \$0.10/page   | \$48.90       |
| 04/30/05 | Delivery services/messengers                |     | Federal Express | \$30.80       |
| 04/30/05 | Pacer Service Center - Search fees          |     |                 | <u>\$6.72</u> |

TOTAL EXPENSES:

\$136.42

**BILLING SUMMARY:**

|     |           |                    |             |            |             |                |
|-----|-----------|--------------------|-------------|------------|-------------|----------------|
| WJH | Partner   | Holley, William J. | 3.50        | hrs        | \$319       | \$1,116.50     |
| NHB | Partner   | Baughan, Nancy H.  | 2.20        | hrs        | \$268       | \$589.60       |
| TYC | Paralegal | Cooke, Tangela Y.  | 2.10        | hrs        | \$111       | \$222.00       |
| AEK | Paralegal | Kaplan, Amy E.     | <u>1.00</u> | <u>hrs</u> | <u>\$93</u> | <u>\$93.00</u> |

|                         |      |     |            |
|-------------------------|------|-----|------------|
| Current Total Fees:     | 8.80 | hrs | \$2,021.10 |
| Current Total Expenses: |      |     | \$136.42   |

CURRENT AMOUNT DUE:

\$2,157.52

Previous Balance:

\$85,762.28

TOTAL AMOUNT DUE:

\$87,919.80

**PARKER, HUDSON, RAINER & DOBBS LLP**

A LIMITED LIABILITY PARTNERSHIP

**ATTORNEYS AT LAW**  
**1500 MARQUIS TWO TOWER**  
**285 PEACHTREE CENTER AVENUE, N.E.**  
**ATLANTA, GEORGIA 30303**  
**(404) 523-5300**

EIN: 58-1423485

Invoice Date: 05/31/2005

Invoice No. 130873 WJH

Bank of America, N.A.  
 Bank of America Plaza  
 NC1-002-29-01  
 101 South Tryon Street  
 Charlotte, NC 28255-0001

**Re: Ware v. Fleetboston Financial Corp.**  
**(001204/00415)**

**Legal Matter No.: L45028-20050225****FOR PROFESSIONAL SERVICES RENDERED THROUGH: May 31, 2005**

|          |     |   |          |           |            |
|----------|-----|---|----------|-----------|------------|
| 05/13/05 | NHB | Analyze revised motion to dismiss and remand and accompanying pleadings   | 1.00 hrs | \$268 /hr | \$268.00   |
| 05/15/05 | WJH | Review revised motion to remand, brief and affidavit  | 1.20 hrs | \$319 /hr | \$382.80   |
| 05/16/05 | NHB | Analyze response to revised motion to remand  | 0.40 hrs | \$268 /hr | \$107.20   |
| 05/16/05 | WJH | Review cases cited in Ware remand motion and e-mail to Mr. Lamothe re: response to new motion                     | 1.80 hrs | \$319 /hr | \$574.20   |
| 05/17/05 | WJH | Research Attorney Johnson's standing with the Georgia Bar   | 0.40 hrs | \$319 /hr | \$127.60   |
| 05/17/05 | WJH | E-mail to Mr. Lamothe   | 0.10 hrs | \$319 /hr | \$31.90    |
| 05/18/05 | SCJ | Research two cases on Westlaw   | 0.25 hrs | \$93 /hr  | \$23.25    |
| 05/19/05 | WJH | Research remand issues raised in second remand motion   | 2.80 hrs | \$319 /hr | \$893.20   |
| 05/19/05 | WJH | Draft response to second remand motion  | 2.20 hrs | \$319 /hr | \$701.80   |
| 05/20/05 | WJH | Review and revisions to motion to strike revised motion to dismiss and remand case and research sanction issues   | 1.30 hrs | \$319 /hr | \$414.70   |
| 05/20/05 | WJH | Draft response to second remand motion and research corporate capacity issues                                     | 4.20 hrs | \$319 /hr | \$1,339.80 |
| 05/23/05 | WJH | Prepare remand response for filing and final edits  | 1.10 hrs | \$319 /hr | \$350.90   |
| 05/23/05 | MDG | Conference with WJH re: response to revised motion to remand; review and analyze case law cited in response brief | 0.70 hrs | \$191 /hr | \$133.70   |
| 05/24/05 | NHB | Review order of Dekalb County Court   | 0.20 hrs | \$268 /hr | \$53.60    |
| 05/24/05 | NHB | Review Dekalb County pleadings  | 0.20 hrs | \$268 /hr | \$53.60    |
| 05/24/05 | WJH | Review order in Dekalb case   | 0.30 hrs | \$319 /hr | \$95.70    |

| Client No.: 001204             |                    | Matter No.: 00415  | Bill          | 130873    | Page 2      |
|--------------------------------|--------------------|--|---------------|-----------|-------------|
| 05/24/05                       | WJH                | Contact Judge Scott's clerk  | 0.30 hrs      | \$319 /hr | \$95.70     |
| 05/24/05                       | WJH                | Telephone conference with Dekalb clerk of court  | 0.30 hrs      | \$319 /hr | \$95.70     |
| 05/24/05                       | WJH                | Review pleadings from new Dekalb action  | 1.40 hrs      | \$319 /hr | \$446.60    |
| 05/24/05                       | WJH                | Telephone conference with Mr. Lamothe re: Dekalb action  | 0.20 hrs      | \$319 /hr | \$63.80     |
| 05/24/05                       | WJH                | E-mails to Mr. Lamothe re: Dekalb action   | 0.30 hrs      | \$319 /hr | \$95.70     |
| 05/24/05                       | WJH                | Research emergency motion/temporary restraining order issues and begin drafting motion   | 3.30 hrs      | \$319 /hr | \$1,052.70  |
| 05/24/05                       | MDG                | Conferences with WJH and NHB re: enjoining litigation of state court proceedings by Mr. Ware; conduct legal research and analysis re: same | 2.50 hrs      | \$191 /hr | \$477.50    |
| 05/25/05                       | NHB                | Review and revision of emergency motion for injunction   | 0.50 hrs      | \$268 /hr | \$134.00    |
| 05/25/05                       | WJH                | Draft emergency motion for injunction  | 5.80 hrs      | \$319 /hr | \$1,850.20  |
| 05/25/05                       | WJH                | Telephone conference with Judge Shoob's law clerk re: emergency motion   | 0.10 hrs      | \$319 /hr | \$31.90     |
| 05/25/05                       | WJH                | Prepare motion and brief for filing  | 1.60 hrs      | \$319 /hr | \$510.40    |
| 05/25/05                       | MDG                | Review and analyze motion for injunction of state court proceedings; conference with WJH re: same  | 0.80 hrs      | \$191 /hr | \$152.80    |
| 05/27/05                       | NHB                | Review and analyze orders on Bank of America's motions   | 0.50 hrs      | \$268 /hr | N/C         |
| 05/27/05                       | WJH                | Review order on outstanding motions to dismiss   | 0.90 hrs      | \$319 /hr | \$287.10    |
| 05/27/05                       | WJH                | Telephone conference with Mr. Lamothe re: Court Order  | 0.20 hrs      | \$319 /hr | \$63.80     |
| 05/27/05                       | WJH                | Review order on emergency motion   | 0.30 hrs      | \$319 /hr | \$95.70     |
| 05/27/05                       | WJH                | E-mails to Mr. Lamothe and Ms. Huskey re: Court Order  | 0.30 hrs      | \$319 /hr | \$95.70     |
| 05/27/05                       | MDG                | Review and analyze court order granting motion to dismiss and set aside judgments; conferences with WJH and NHB re: same                   | 1.50 hrs      | \$191 /hr | N/C         |
| TOTAL PROFESSIONAL FEES:       |                    |  | 38.95 hrs     |           | \$11,101.25 |
| <b>EXPENSES:</b>               |                    |  |               |           |             |
| 05/31/05                       | Copying            |  | @ \$0.10/page |           | 11.50       |
| TOTAL EXPENSES                 |                    |  |               |           | \$11.50     |
| <b><u>BILLING SUMMARY:</u></b> |                    |  |               |           |             |
| NHB                            | Baughan, Nancy H.  | 2.80 hrs   | \$268         |           | \$616.40    |
| WJH                            | Holley, William J. | 30.40 hrs  | \$319         |           | \$9,697.60  |
| MDG                            | Grider, Michael D. | 5.50 hrs   | \$191         |           | \$764.00    |
| SCJ                            | Johnson, Sarah C.  | 0.25 hrs   | \$93          |           | \$23.25     |
| Current Total Fees:            |                    |  | 38.95 hrs     |           | \$11,101.25 |
| Current Total Expenses:        |                    |  |               |           | \$11.50     |
| CURRENT AMOUNT DUE:            |                    |  |               |           | \$11,112.75 |

*Client No.:* 001204

*Matter No.:* 00415

*Bill* 130873

*Page* 3

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NET BALANCE FORWARD

\$87,919.80

TOTAL BALANCE NOW DUE

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\$99,032.55

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing **AFFIDAVIT OF COUNSEL FOR FLEETBOSTON FINANCIAL CORP. REGARDING LITIGATION EXPENSES** upon all parties to this matter by depositing a true copy of same in the United States Mail, proper postage prepaid, addressed as follows:

Michael R. Johnson, Sr.  
Johnson & Associates, P.C.  
340 West Peachtree Street, N.E.  
Suite 200  
Atlanta, Georgia 30308

Dr. Tony L. Ware, PhD, JD  
Post Office Box 150524 - Dept. 0227  
Atlanta, Georgia 30315

and with the Clerk of Court using the CM/ECF system which automatically sent e-mail notification of such filing to the following attorney of record, who is a registered participant in the Court's electronic notice and filing system:

Attorney for Plaintiff is not a registered participant in the Court's electronic notice and filing system.

This 22<sup>nd</sup> day of June, 2005.

s/ William J. Holley, II  
William J. Holley, II